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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)	Case No. CR 17-609 VC
)	
15 Plaintiff,)	UNITED STATES' APPLICATION FOR
)	AUTHORIZATION TO PROVIDE SEALED
16 v.)	MATERIALS AND [PROPOSED] ORDER
)	
17 JOSE INEZ GARCIA-ZARATE,)	
)	
18 Defendant.)	
)	

19
20 The United States, through undersigned counsel, respectfully seeks authorization to provide the
21 initial evaluator's report of the defendant Jose Inez Garcia-Zarate dated February 5, 2020 to the
22 evaluator assigned to the case with the Bureau of Prisons ("BOP"). Dkt. No. 111. The initial
23 evaluator's report was placed under seal by the Court on February 6. Dkt. No. 105.

24 The government received a request from the BOP for "collateral material to review" to "conduct
25 a comprehensive evaluation." The request included "relevant investigative materials," including "a
26 criminal history report, investigative documents, interviews, surveillance materials, any documents
27 signed or completed by the defendant, pre-sentence reports, pre-trial report (if available), information
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pertaining to prior cases, jail documents, medical/mental health records, and any other available material you deem relevant.”

The government provided the requested materials to the evaluator assigned to the case with BOP, but withheld the under-seal initial evaluator's report. The government then sought the position of counsel for the defendant regarding providing the initial evaluator's report to the evaluator with BOP in view of it being placed under seal by the Court (Dkt. No. 105). Counsel for the defendant responded that they objected to providing the report to the evaluator with BOP.

Accordingly, the government seeks this authorization from the Court because the initial evaluator's report is among the materials requested by the evaluator assigned to the case with the BOP to conduct a comprehensive evaluation of the defendant.

DATED: April 24, 2020

Respectfully submitted,

DAVID L. ANDERSON
United States Attorney

/s/


KEVIN J. BARRY
ERIC CHENG
Assistant United States Attorneys

~~PROPOSED~~ ORDER

On the application of the United States, and good cause appearing therefor, the Court HEREBY ORDERS that the government is authorized to provide the initial evaluator's report of the defendant Jose Inez Garcia-Zarate, dated February 5, 2020, to the evaluator assigned to the case with the Bureau of Prisons.

IT IS SO ORDERED.

DATED: April 29, 2020



HONORABLE VINCE CHHABRIA
United States District Judge